

INTENTIONALLY LEFT BLANK
EXHIBIT PAGE ONLY

EXHIBIT 3

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

From: Sam Castor <sam@switch.com>
Sent: Friday, May 17, 2019 12:47 PM
To: Casey Hansen; Anne-Marie Birk
Cc: Emily Shaevitz; Walker Hartz; Ryan J Caruso
Subject: [EXTERNAL] - Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Project Close Out Official Confirm

Confirmed. We are deeply troubled by their delay tactics and efforts to prevent/complicate your access to their systems.



SAM CASTOR
EVP OF POLICY
DEPUTY GENERAL COUNSEL

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m +1 (702) 371-0724
e sam@switch.com
+ [Switch e-card](#)

We use e-cards to reduce waste of natural resources and promote [sustainability](#).

From: Casey Hansen <chansen@opentext.com>
Date: Friday, May 17, 2019 at 8:49 AM
To: Samuel Castor <sam@switch.com>, Anne-Marie Birk <abirk@switch.com>
Cc: Emily Shaevitz <eshaevitz@switch.com>, Walker Hartz <whz@opentext.com>, Ryan J Caruso <rcaruso@opentext.com>
Subject: FW: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Project Close Out Official Confirm

Sam/Anne-Marie,

Per our conversation. Please confirm OpenText will be standing down on any near term efforts related to this project.

If possible, please provide a response so we can officially pull the reserves we have on our services team bench that were selected to run this project.

Thank you in advance.

Best,

▪ **Casey Hansen**

Regional Manager, eDiscovery| LegalTech & AI

Mobile: (917) 698-9500

Email: chansen@opentext.com



From: Casey Hansen

Sent: Friday, April 26, 2019 10:54 AM

To: F. Christopher Austin <caustin@weidemiller.com>; Ron Green <rdg@randazza.com>

Cc: Alex Kalvelage <akalvela@opentext.com>; Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; Brianna Show <bshow@weidemiller.com>

Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update

Thanks Chris,

Looking forward to getting this kicked off. Appreciate the quick follow up.

Best,

▪ **Casey Hansen**

Regional Manager, eDiscovery| LegalTech & AI

Mobile: (917) 698-9500

Email: chansen@opentext.com



From: F. Christopher Austin <caustin@weidemiller.com>

Sent: Thursday, April 25, 2019 7:46 PM

To: Casey Hansen <chansen@opentext.com>; Ron Green <rdg@randazza.com>

Cc: Alex Kalvelage <akalvela@opentext.com>; Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; Brianna Show <bshow@weidemiller.com>

Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update

Casey:

We are moving forward to get approval from both sides on OpenText's Consent Form from our respective clients without making changes that cause your general counsel concern.

Ron: Can you report on coordinating a time?

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Casey Hansen <chansen@opentext.com>
Sent: Thursday, April 25, 2019 4:07 AM
To: Ron Green <rdg@randazza.com>
Cc: Alex Kalvelage <akalvela@opentext.com>; Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; F. Christopher Austin <caustin@weidemiller.com>; Brianna Show <bshow@weidemiller.com>
Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update
Importance: High

Ron/Chris,

Hope you have both been well. I just got back from PTO and wanted to see if there had been any progress in coordinating a time with Steve for the collections effort.

If anything has changed in regards to this case or timelines. Please let me know as soon as possible. We have reserved resources on both the collections and Project management to ensure this gets going quickly, but based on the lapse in urgency and timelines we had discussed on several occasions before. I'm worried that we have them on reserve prematurely.

Thank you both in advance.

Best,

Casey Hansen
Regional Manager, eDiscovery| Discovery Business Unit
Recommind, an OpenText Company



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Web: www.recommind.com



From: Ron Green <rdg@randazza.com>

Sent: Tuesday, April 16, 2019 6:39 PM

To: Casey Hansen <chansen@opentext.com>

Cc: Alex Kalvelage <akalvela@opentext.com>; Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; F. Christopher Austin <caustin@weidemiller.com>; Brianna Show <bshow@weidemiller.com>

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update

Thanks for your email, Casey. I spoke with Steve today. He's still traveling but can discuss early next week (or he can presumably wait until you return to the office). Chris Austin gave me a list of Switch's proposed keywords late last week. There are a few issues with it that I need to clarify with him later this week. Once that occurs, I think your call with Steve will be more useful as we will have a better idea of the parameters of the eventual search.

In the meantime, please feel free to reach out to me with any questions.

Ronald D. Green* | **Randazza Legal Group, PLLC**
2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117
Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

On Apr 16, 2019, at 5:13 AM, Casey Hansen <chansen@opentext.com> wrote:

Ron,

Just circling back on whether you were able to get in touch with Steve to schedule the meeting with our collections team. Both senior Managers are on thread Bryan/Ryan to ensure they are provided the proper visibility on this.

I did want to note that I will be on PTO starting tomorrow until next Wednesday. Please direct all sales related requests to both Alex Kalvelage & Walker Hartz(Non-Sales), but managing this effort. I will be checking email, but want to ensure I don't slow things down. Please include me on copy.

Best,

▪ **Casey Hansen**

Regional Manager, eDiscovery| LegalTech & AI

Mobile: (917) 698-9500

Email: chansen@opentext.com

<image001.gif>

[<image003.png>](#)

From: Ron Green <rdg@randazza.com>

Sent: Friday, April 12, 2019 7:36 PM

To: Alex Kalvelage <akalvela@opentext.com>

Cc: Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; F. Christopher Austin <caustin@weidemiller.com>; Brianna Show <bshow@weidemiller.com>; Casey Hansen <chansen@opentext.com>

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update

Alex:

I am unable to answer any of those questions. However, I am forwarding them to my client.

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On Apr 12, 2019, at 4:24 PM, Alex Kalvelage <akalvela@opentext.com> wrote:

Hello Ron,

We've been working with our team on some preliminary collection and investigation strategies based on what has been provided.

We wanted to send over a few questions (below) to seed a productive scoping and kick-off effort next week. We will also want to better understand the lines of forensic examination and analysis that you are looking for so that we can commit this to a SOW with the appropriate resources aligned.

Some of the preliminary information that you've provided would indicate that may be a somewhat specialized effort given the Unix source type (versioning, configuration). Please let us know if there are a couple potential windows early next week for us to discuss. Anything you

can provide in response to the preliminary questions prior to that call will help ensure that we identify the right resources for this project.

Hope everyone has a great weekend.

Talk soon,
Alex

UNIX Collection - Preliminary Scoping Questions -

- Is this application data of some sort?
 - Is it stored in a database structure?
 - Loose files on a file system?
 - Involve a storage volume or an entire drive?
- Do we know anything about the drive configuration?
 - Is it RAID?
 - What is the RAID configuration?
 - Multiple non RAID drives?
- Do we know if the server can be shutdown for imaging?
 - To give them an idea of time to complete, figure 1GB per minute.
 - This is for the actual drive size, not the volume size.
 - Are there any running processes that we will need to schedule around
 - If it is to be shut down, their team will shutdown / turn back on the system.
- What size and types of drives are these?
 - IDE?
 - SATA?
 - SAS?
- Do we have any details around the specific version of Unix we are dealing with?

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Regional Manager | LegalTech
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From: Ron Green <rdg@randazza.com>
Sent: Wednesday, April 10, 2019 10:42 AM
To: Casey Hansen

Cc: Walker Hartz; Alex Kalvelage; Bryan Nicholas Koehn; Ryan J Caruso; F. Christopher Austin; Brianna Show

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - MTech Collections Coordination Update

Casey - Steve did tell me that he is traveling this week and unable to discuss. I will follow up with him today regarding availability early next week.

Chris - Where do we stand on the list of allegedly misappropriated trade secrets and the keyword list?

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On Apr 10, 2019, at 4:22 AM, Casey Hansen <chansen@opentext.com> wrote:

Ron,

Where do we stand on this? I have a call to finalize the first draft of the consent form today and based on the timelines you and Chris have identified. We need to at very minimum make contact with MTech to coordinate the collections effort.

Back of the napkin sales timelines. Please don't hold me accountable for these projections. But if all goes 100% to plan and close your eyes and assume we are 100% all holding four-leaf clovers wishing for the very best to ensure we all meet the end of April timeline all parties have identified. We only have roughly 6-8 Business days once the data is in the review.

[@Walker Hartz](#), Please correct me if any of my assumptions are wrong.

- 4.10 – OT Collection Services fully scopes MTech collections
- 4.11 – OT Legal has the first draft of Switch/Widemiller/Randazza Group Mutual Consent form ready for signatures.
- 4.12 – All parties have signatures ready
- 4.16 – Collections in a perfect world can be scheduled and completed.
- 4.19 – Data has been processed and uploaded to AXC ready for search terms to be run

I did just have one thought actually. I will check with my legal. Considering Switch has a multi-service contract that allows for all services to be provided without a new SOW. Perhaps we can get the full collections started and hold off uploading the data into the review platform until the consent form is signed. Could save us a few days if you are able to get us in touch with Steve Fairfax as soon as possible.

In the meantime can you please reach out to your contact at MTech and have him set up time for our collections team to do an initial call with him and then schedule the full collection?

Best,

▪ **Casey Hansen**

Regional Manager, eDiscovery| LegalTech & AI

Mobile: (917) 698-9500

Email: chansen@opentext.com

<image001.gif>

[<image003.png>](#)

From: Ron Green <rdg@randazza.com>

Sent: Friday, April 5, 2019 1:01 PM

To: Casey Hansen <chansen@opentext.com>

Cc: Alex Kalvelage <akalvela@opentext.com>; Walker Hartz <whz@opentext.com>; Bryan Nicholas Koehn <bkoehn@opentext.com>; Ryan J Caruso <rcaruso@opentext.com>; F. Christopher Austin <caustin@weidemiller.com>; Brianna Show <bshow@weidemiller.com>

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - Kick Off Call Scheduling

Casey:

I'll talk to Steve Fairfax about his availability and get back to you.

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On Apr 5, 2019, at 8:29 AM, Casey Hansen <chansen@opentext.com> wrote:

Ron,

Alex and I have been coordinating with our collections team, attached. Can you please set up a call with MTech so we can start scoping the full extent of the collections effort and ideally get something scheduled and on the books so we are ready to jump on it once the consent form is finalized and signed off on.

With an end of April Date that this needs to be done by. The more planning and prep that we can do in advance is crucial.

Best,

Casey Hansen

Regional Manager, eDiscovery| Discovery Business Unit
Recommind, an OpenText Company

<image001.gif>

Phone: Tel: (646) 893 6698 Mobile (917) 698 9500

Email: chansen@opentext.com

Web: www.recommind.com

<image002.png>

From: Ron Green <rdg@randazza.com>

Sent: Tuesday, March 26, 2019 1:55 PM

To: Alex Kalvelage <akalvela@opentext.com>

Cc: F. Christopher Austin <caustin@weidemiller.com>; Casey Hansen <chansen@opentext.com>;

Brianna Show <bshow@weidemiller.com>; Elizabeth Lewis <lewise@opentext.com>; Daniel Luk

<dlk@opentext.com>; Adam Tondryk <atondryk@opentext.com>

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - Kick Off Call Scheduling

As promised, here is the relevant information you will need for collection:

All project files are on a Unix server. The current projects drive contains about 300 GB stored. However, since the collection will be limited to documents created after 2011, there will be significantly less. There is also an archive drive that contains about 100 GB stored, but most of those files predate 2011. These computers are located in Framingham, Massachusetts. MTech has used Google Office for its email since before 2011. My client states that Google provides search tools that you should know how to use or have your own search tools.

If you need any additional information from MTech, please let me know, and I'll get it for you as quickly as possible.

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On Mar 26, 2019, at 9:21 AM, Alex Kalvelage <akalvela@opentext.com> wrote:

Hi Ron,

I read your email as any time on Tuesday, but 10:30 will work for me so I'll update and hope we still have a quorum. Will let you know if I don't get confirmations from the necessary folks on our end.

Talk soon,

Alex

On Mar 26, 2019, at 9:13 AM, Ron Green <rdg@randazza.com> wrote:

The calendar invite was for 10:00 a.m., and I had stated that I'm not available until 10:30. Please confirm that the call is at 10:30. Thanks.

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* Licensed to practice law in Nevada.

On Mar 22, 2019, at 5:04 PM, Alex Kalvelage <akalvela@opentext.com> wrote:

Calendar invite sent for first available quorum on Tuesday. Please feel free to propose an alternate time if needed.

Have a great weekend,
Alex

Alex Kalvelage
Regional Manager | LegalTech
OpenText
Mobile: (415) 725 8789
Email: akalvela@opentext.com
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[EnCase eDiscovery](#)

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From: F. Christopher Austin <caustin@weidemiller.com>
Sent: Friday, March 22, 2019 11:59:49 AM
To: Ron Green; Casey Hansen
Cc: Brianna Show; Elizabeth Lewis; Alex Kalvelage; Daniel Luk; Adam Tondryk
Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - Kick Off Call Scheduling

Casey:

Anytime after 10:30 am Monday works for me as well.

Thank you for getting right back to us.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Ron Green <rdg@randazza.com>
Sent: Friday, March 22, 2019 11:43 AM
To: Casey Hansen <chansen@opentext.com>
Cc: F. Christopher Austin <caustin@weidemiller.com>; Brianna Show <bshow@weidemiller.com>; Elizabeth Lewis <lewise@opentext.com>; Alex Kalvelage <akalvela@opentext.com>; Daniel Luk <dlk@opentext.com>; Adam Tondryk <atondryk@opentext.com>
Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment - Kick Off Call Scheduling

Casey:

I'm available after 10:30 on Monday and all day Tuesday. I will ask my client for the scope and number and locations of custodians and hopefully have that information before the call.

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* Licensed to practice law in Nevada.

On Mar 22, 2019, at 11:39 AM, Casey Hansen <chansen@opentext.com> wrote:

Chris/Ron,

Great to hear. I know most of the team is tied up in other meetings with me on a few other projects for the remainder of the afternoon.

Can you please provide some availabilities for Monday or Tuesday so I can coordinate a call?

Additionally in the interim can you please provide the scope of the collections needed and types/locations of those custodians so we can plan in advance.

Will you need our managed review arm to assist in this effort also?

Best,

Casey Hansen

Regional Manager, eDiscovery| Discovery Business Unit
Recommind, an OpenText Company

<image001.gif>

Phone: Tel: (646) 893 6698 Mobile (917) 698 9500

Email: chansen@opentext.com

Web: www.recommind.com

<image002.png>

From: F. Christopher Austin <caustin@weidemiller.com>

Sent: Friday, March 22, 2019 2:20 PM

To: Ron Green <rdg@randazza.com>; Casey Hansen <chansen@opentext.com>

Cc: Brianna Show <bshow@weidemiller.com>

Subject: FW: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Importance: High

Ron:

Excellent. Thank you.

Casey:

Is there a time you are available so we can have a brief call so we can discuss next steps?

Chris

F. Christopher Austin

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From: Ron Green <rdg@randazza.com>

Sent: Friday, March 22, 2019 10:45 AM

To: F. Christopher Austin <caustin@weidemiller.com>

Cc: Brianna Show <bshow@weidemiller.com>

Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris:

OpenText's representations are fine with us. We can move forward.

Ronald D. Green* | **Randazza Legal Group, PLLC**
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* Licensed to practice law in Nevada.

From: Casey Hansen <chansen@opentext.com>
Sent: Thursday, March 14, 2019 9:30 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brian Shaw <bshaw@opentext.com>; Heidi Amaniera <haa@opentext.com>; Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris,

Working on it. Surprisingly getting dummies done without actual engagements behind it are sorta hard to get. Working on requests from actual clients to redact confidential info to share.

I can assure you they only show hours expended and collections efforts.

No specifics on custodians and data collected from them.

I'll circle back Tomorrow.

Very simple screen grabs with details are as follows that would be representative in what Ron could expect to switch.

<image1.jpeg>

<image2.jpeg>

Best,

▪
Casey Hansen
Regional Manager, eDiscovery| LegalTech & AI
Mobile: (917) 698-9500
Email: chansen@opentext.com

On Mar 14, 2019, at 8:42 PM, F. Christopher Austin <caustin@weidemiller.com> wrote:

Casey:

Were you able to get a copy of the dummy invoices?

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Casey Hansen <chansen@opentext.com>
Sent: Tuesday, March 12, 2019 9:01 AM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brian Shaw <bshaw@opentext.com>; Heidi Amaniera <haa@opentext.com>; Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris,

Apologies for the delay in getting back to you on this. I should have the dummy invoices ready for you by EOD or tomorrow at the very latest.

Best,

Casey Hansen

Regional Manager, eDiscovery| Discovery Business Unit
Recommind, an OpenText Company
<image001.gif>

Phone: Tel: (646) 893 6698 Mobile (917) 698 9500

Email: chansen@opentext.com

Web: www.recommind.com

<image002.png>

From: F. Christopher Austin <caustin@weidemiller.com>
Sent: Friday, March 08, 2019 2:27 PM
To: Casey Hansen <chansen@opentext.com>
Cc: Brian Shaw <bshaw@opentext.com>; Heidi Amaniera <haa@opentext.com>; Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: RE: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Thanks Casey:

The general reference to “collection services and hosting” poses no problems. The issue would be the identification of any data collected. We doubt your invoice would be that granular, but needed to confirm.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Casey Hansen <chansen@opentext.com>
Sent: Thursday, March 07, 2019 10:02 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brian Shaw <bshaw@opentext.com>; Heidi Amaniera <haa@opentext.com>; Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: Re: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris,

Let me see what I can put together
Tomorrow.

Apologies for the late reply.

What items specifically is Dan concerned would be revealed in the invoicing process?

Our invoices would identify collections services and hosting.

I'd have to check how granular they are in this respect.

Please advise on specific concerns.

Have a nice night.

Best,

▪
Casey Hansen
Regional Manager, eDiscovery| LegalTech & AI
Mobile: [\(917\) 698-9500](tel:9176989500)
Email: chansen@opentext.com

On Mar 7, 2019, at 8:32 PM, F. Christopher Austin <caustin@weidemiller.com> wrote:

Casey:

Can you send us a sample of your invoice, so Ron can be confident it would not reveal any content from the data capture process to Switch?

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Casey Hansen <chansen@opentext.com>
Sent: Thursday, March 07, 2019 4:33 PM
To: F. Christopher Austin <caustin@weidemiller.com>; Brian Shaw <bshaw@opentext.com>; Heidi Amaniera <haa@opentext.com>
Cc: Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris/Ron,

I wanted to also introduce Heidi Amaniera who manages our West PM team. She will assist in coordinating the logistics of this matter. You are in the best hand we have to offer at OT with her and her team.

[@Heidi Amaniera](#) Thank you in advance.

Have a nice night all.

Best,

▪ **Casey Hansen**
Regional Manager, eDiscovery| LegalTech & AI
Mobile: (917) 698-9500
Email: chansen@opentext.com

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[<image002.png>](#)

From: Casey Hansen
Sent: Thursday, March 7, 2019 7:10 PM
To: F. Christopher Austin <caustin@weidemiller.com>; Brian Shaw <bshaw@opentext.com>
Cc: Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: RE: Switch v. MTechnology: Informal Data Capture and Assessment

Thank you for the quick chat this evening Chris.

Perhaps a quick call with your team and Ron's team tomorrow or Monday with Brian or a senior member of his team, along with a collections specialist would work?

If you can please confirm with Switch we can make them the Bill To. I can work to have OT's legal counsel start drafting the consent forms required by all parties to ensure the plan you have outlined below and Brian's team can staff accordingly.

Have a nice night all.

Best,

▪ **Casey Hansen**
Regional Manager, eDiscovery| LegalTech & AI
Mobile: (917) 698-9500
Email: chansen@opentext.com

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[<image002.png>](#)

From: F. Christopher Austin <caustin@weidemiller.com>
Sent: Thursday, March 7, 2019 5:46 PM
To: Casey Hansen <chansen@opentext.com>; Brian Shaw <bshaw@opentext.com>
Cc: Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>
Subject: - RE: Switch v. MTechnology: Informal Data Capture and Assessment

Casy:

Thank you. We are exploring having the billing go direct to Switch to keep the price down. If we do, I assume you would have no issues with copying me on the invoices.

Ron and I will confirm the number of custodians and the date range and revert. The expected volume is under 1 TB.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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From: Casey Hansen <chansen@opentext.com>

Sent: Thursday, March 07, 2019 2:18 PM

To: F. Christopher Austin <caustin@weidemiller.com>; Brian Shaw <bshaw@opentext.com>

Cc: Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>

Subject: RE: Switch v. MTechnology: Informal Data Capture and Assessment

Chris,

I'm going to run this by my internal counsel and get back to you on the logistics front. Shouldn't present any issues.

Since Switch won't be the direct bill to party on this also, I will need to get new pricing approved as it would fall out of their volume agreement. It would be much easier if Switch were the Bill to if possible to secure more preferential rates.

Also could you please provide any additional information on the number of custodians and expected volume of data that will be collected, how long you expect the data to be hosted for and the location of said custodians with specifics on types of collections, laptops, exchange, Mobile devices, etc.

I've also included Brian Shaw who runs our global eDiscovery team of PMs. I would like his visibility on this before any other PM's are included in the discussion.

[@Brian Shaw](#) Please provide any additional thoughts on this if you have a moment.

Best,

▪ **Casey Hansen**
Regional Manager, eDiscovery| LegalTech & AI

Mobile: (917) 698-9500

Email: chansen@opentext.com

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From: F. Christopher Austin <caustin@weidemiller.com>

Sent: Thursday, March 7, 2019 4:48 PM

To: Casey Hansen <chansen@opentext.com>

Cc: Ron Green <rdg@randazza.com>; Brianna Show <bshow@weidemiller.com>

Subject: - Switch v. MTechnology: Informal Data Capture and Assessment

Importance: High

Casey:

Pleasure to speak with you yesterday. As we discussed, we are requesting Open Text's services in connection with the following case:

Switch, Ltd., v. Stephen Fairfax, MTechnology,
Case No. 2:17-cv-02651,
U.S. District Court, District of Nevada

Chris Austin and his firm, Weide & Miller, represent Switch. Ron Green of Randazza Legal Group, PLLC, represents Fairfax and MTechnology ("MTech"). This letter is from both of us jointly.

This case is about alleged trade secret misappropriation. Switch alleges MTech misappropriated Switch trade secrets and disclosed them to a Switch competitor. MTech claims no misappropriation occurred.

In an effort to resolve the dispute, the parties agreed to stay the litigation until May 24th to see whether any MTech data includes any Switch trade secrets. Switch agreed to cover the computer forensic costs for this based on the parties' understanding that this would be a quicker, less costly, and less cumbersome process than would be the case in formal discovery.

Open Text's role here is simple from our perspective: respond to requests from MTech's counsel (Ron) as though MTech is the client, even though your fees are to be paid by Switch, through its counsel, Weide & Miller.

So while the agreement will show Weide & Miller as the payor, the agreement should note that MTech's counsel (Ron) must approve any data released to Switch's counsel (Chris), and that no data is to be directly released to Switch. Further, all communications to Switch regarding this matter are exclusively to be directed to Chris or Weide & Miller. Open Text may not have any direct contact with Switch on this matter. Open Text may, however, directly speak with Fairfax/MTech as necessary to complete its work (i.e. logistics, on site or remote connections, technical processes, identification of custodians, computers, databases, etc.), just as would be the case if MTech had hired Open Text. Switch's counsel

(Chris) does not need to be included in such communications. However, all communications with Switch's counsel (Chris) should include (or be copied to) Ron.

Again, if you think of MTech as the "client" that has hired you to help it prepare responses to a document request, we think this will all make sense.

Here is the process, generally, as we understand it:

1. We (Ron and Chris) jointly send you key words/phrases;
2. Open Text examines all MTech data against the key words;
3. Open Text creates a secured forensic copy of the data;
4. Open Text Produce a summary report of data containing "hits" (but not the data itself) to both of us;
5. Open Text Produces a copy of all data containing "hits" in a searchable format to Ron;
6. On Ron's request, Open Text produces to me a copy of all the data Ron permits released to me.
7. Open Text retains the forensic copy of the data collected until it receives a request from counsel for both parties or order from the Court to destroy it.

I hope this makes sense. If there are any questions, please feel free to call us at any time convenient for you to discuss.

Chris Austin and Ron Green

c/o

F. Christopher Austin

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